

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW JERSEY, STATE OF  
CONNECTICUT, STATE OF DELAWARE, STATE  
OF NEW YORK, COMMONWEALTH OF  
MASSACHUSETTS, CITY OF NEW YORK,

Plaintiffs,

v.

ANDREW R. WHEELER, *Administrator of the United  
States Environmental Protection Agency*, UNITED  
STATES ENVIRONMENTAL PROTECTION  
AGENCY,

Defendants.

No. 20 Civ. 01425 (JGK)

**STIPULATION AND ORDER REGARDING ATTORNEYS' FEES AND COSTS**

WHEREAS, on February 19, 2020, Plaintiffs State of New Jersey, State of Connecticut, State of Delaware, State of New York, Commonwealth of Massachusetts, and City of New York (collectively, "Plaintiffs") filed the complaint in this action against defendants United States Environmental Protection Agency ("EPA") and Andrew Wheeler, Administrator ("Defendants" and, together with Plaintiffs, the "Parties");

WHEREAS, the Judgment of this Court filed August 5, 2020 (Doc. No. 44), awarded Plaintiffs their fees and costs in an amount to be determined and provided a deadline of November 3, 2020, a deadline that this Court further extended to January 18, 2021 (Doc. No. 50), for submitting a joint stipulated order setting forth the amount of fees to be awarded, or 30 days thereafter for Plaintiffs to submit a fee application should the Parties be unable to reach an agreement on the amount of fees; and

WHEREAS, the Parties seek to resolve Plaintiffs' claim for fees and costs on the terms provided herein, to avoid unnecessary and expensive litigation and without any admission of law or fact.

NOW, THEREFORE, Plaintiffs and Defendants, without any admission of fact or law, agree as follows:

1. As soon as practicable, the United States shall pay \$17,340.00 to the State of Connecticut, \$59,493.50 to the State of New York, and \$123,166.50 to the State of New Jersey by electronic funds transfer pursuant to instructions provided by counsel for Plaintiffs. Counsel for Defendants shall notify counsel for Plaintiffs in writing when the payments have been made. Such payment, upon receipt in full, releases the United States, including Defendants, from any claims regarding fees and costs that Plaintiffs have asserted or could have asserted under any provision of law in connection with this litigation as of the date of entry of this Stipulation. Should the United States fail to make timely payment in full within 120 days of entry of this Order, the Plaintiffs may return to the Court to seek enforcement of this Order, including any additional costs or fees associated with said enforcement.

2. Any obligations of the United States to obligate or expend funds under this Order are subject to the availability of appropriated funds in accordance with the Anti-Deficiency Act, 31 U.S.C. §§ 1341-44 and 1511-19, and any other applicable provision of law. No provision of this Stipulated Order shall constitute or be construed as a commitment or requirement that the United States obligate or pay funds in contravention of said Anti-Deficiency Act or any other applicable provision of law.

3. The undersigned representatives of each party certify that they are fully authorized by the party or parties they represent to consent to the entry of this Stipulation.

ON BEHALF OF DEFENDANTS EPA AND ANDREW WHEELER, ADMINISTRATOR:

Dated: January 13, 2021

AUDREY STRAUSS  
Acting United States Attorney

By: /s/ Lucas Issacharoff  
LUCAS ISSACHAROFF  
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ON BEHALF OF PLAINTIFF STATE OF NEW YORK:

Dated: January 13, 2021

LETITIA JAMES  
ATTORNEY GENERAL OF NEW YORK

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ON BEHALF OF PLAINTIFF STATE OF CONNECTICUT:

Date: January 13, 2021

WILLIAM TONG  
ATTORNEY GENERAL OF CONNECTICUT

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ON BEHALF OF PLAINTIFF STATE OF NEW JERSEY

Date: January \_13\_, 2021

GURBIR S. GREWAL  
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SO ORDERED on this 15th day of January, 2021.

/s/ John G. Koeltl  
HON. JOHN G. KOELTL  
UNITED STATES DISTRICT JUDGE